

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 RAFAEL CASTILLO-SANCHEZ,

5 Petitioner

6 v.

7 DWIGHT NEVEN,

8 Respondents

Case No. 2:18-cv-01598-JAD-NJK

Order Dismissing Action

ECF No. 7

9
10 When petitioner commenced this action, he did not submit a petition for a writ of habeas
11 corpus. On March 12, 2019, the court directed petitioner to file a petition. Petitioner has not filed
12 a petition within the allotted time, so the court dismisses this action without prejudice and makes
13 no comment whether a subsequently commenced action will be timely under 28 U.S.C.
14 § 2244(d)(1).

15 Petitioner filed another motion for appointment of counsel (ECF No. 7). Like his last
16 motion,¹ the court denies this one because petitioner never filed a petition, making it impossible
17 for the court to evaluate his claims.

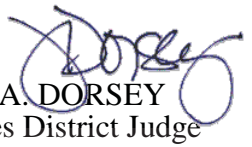
18 IT THEREFORE IS ORDERED that petitioner's motion for appointment of counsel
19 **(ECF No. 7) is DENIED.**

20 IT FURTHER IS ORDERED that this action is **DISMISSED** without prejudice for
21 petitioner's failure to file a petition for a writ of habeas corpus. The clerk of the court is directed
22 to add Aaron Ford, Attorney General for the State of Nevada, as counsel for respondents,
23 electronically serve upon respondents a copy of this order, ENTER JUDGMENT accordingly,
24 and CLOSE THIS ACTION.

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27
28 ¹ ECF No. 5.

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2 IT FURTHER IS ORDERED that a certificate of appealability will not issue because
3 reasonable jurists would not find the court's conclusions to be debatable or wrong.

4 DATED: May 7, 2019

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6  _____
JENNIFER A. DORSEY
United States District Judge